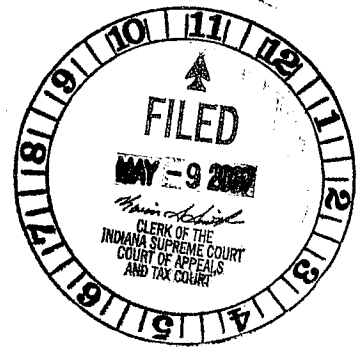


In the
Indiana Supreme Court



IN THE MATTER OF THE)
) Case No. 55S00-0705MS-186
APPROVAL OF LOCAL RULES)
)
FOR MORGAN COUNTY)

**ORDER APPROVING AMENDED LOCAL RULES
ADOPTED PURSUANT TO ADMINISTRATIVE RULE 15**

The Judges of the Morgan Circuit and Superior Courts have forwarded for approval by this Court amendments to the local rule governing the regulation of court reporter services in accordance with Ind.Administrative Rule 15. Such amendments for the Morgan Circuit and Superior Courts are set forth as an attachment to this order.

Upon examination of the proposed rule amendment requested by the Morgan Circuit and Superior Courts, this Court finds that the proposed rule amendments to Local Rule LR55-AR-15-1 comply with the requirements of Ind.Administrative Rule 15, and, accordingly, should be approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

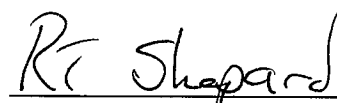
IT IS, THEREFORE, ORDERED by this Court that Morgan Circuit and Superior Courts Local Rule LR55-AR-15-1, set forth as an attachment to this Order, is approved effective thirty (30) days after the rule has been posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Matthew G. Hanson, Morgan Circuit Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. G. Thomas Gray, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. Christopher L. Burnham, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556; the Hon. Jane Spencer Craney, Morgan Superior Court, P.O. Box 1556, Martinsville, IN 46151-1556 and to the Clerk of the Morgan Circuit and Superior Courts.

The Clerk of the Morgan Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9th day of May, 2007.

FOR THE COURT

A handwritten signature in cursive script, reading "Rt Shepard", written over a horizontal line.

Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA
IN THE MORGAN CIRCUIT COURT
IN THE MORGAN SUPERIOR COURT 1
IN THE MORGAN SUPERIOR COURT 2
IN THE MORGAN SUPERIOR COURT 3
IN THE OFFICE OF THE MAGISTRATE OF THE MORGAN CIRCUIT
AND SUPERIOR COURTS

LOCAL RULE 02-01

Rule LR55-AR15-1. . Court Reporter Services

The Morgan Circuit Court, the Morgan Superior Court 1, the Morgan Superior Court 2, the Morgan Superior Court 3, and the Office of the Magistrate of the Morgan Circuit and Superior Courts of Morgan County, Indiana now adopt the following local rule by which Court Reporters Services shall be governed.

Section One. 1.1. DEFINITIONS

The following definitions shall apply under this local rule:

(1) 1.1.1. A Court Reporter is a person who is specifically appointed by a court to perform the office court reporting services for the court including preparation of a transcript of the court's record. an employee at will, not an independent contractor, not self-employed, subject to the control of the Judge, and is specifically designated to perform the official court reporting services for the court including preparing a transcript of the record. The following named persons are Court Reporters or Assistant Court Reporters in the courts of record in Morgan County at the time of adoption of this Local Rule: Beverly Farr, Karen Lower, Carol Skinner, Pam Bastin, Lou Pilat, Vicki Stidd and Minnie Finchum.

(2) 1.1.2. "Equipment" means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) 1.1.3. "Work Space" means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) 1.1.4. "Page" means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) 1.1.5. "Recording" means the page unit of transcript which results when a recording is transcribed in the form electronic, mechanical, and stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6)1.1.6. "Regular Hours Worked" means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week ~~for each court~~.

(7)1.1.7. "Gap hours worked" means those hours worked that are in excess of the regular hours worked (~~35 hours per week~~) but ~~not~~ hours not in excess of forty (40) hours per work week.

(8)1.1.8. "Overtime hours worked" means those hours worked in excess of forty (40) hours per work week.

(9)1.1.9. "Work Week" means a seven (7) consecutive day week that consistently begins with Saturday and ends with Saturday throughout the year and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10)1.1.10. "Court" means that particular court for which the court reporter performs services, ~~but includes all the courts of record in Morgan County~~. Court may also mean all of the courts in Morgan County.

(11)1.1.11. "County indigent transcript" means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12)1.1.12. "State indigent transcript" means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13)1.1.13. "Private transcript" means a transcript, ~~that is paid for by a private party and includes, but is not limited to~~ including but not limited to, a deposition transcript that is paid for by a private party.

Section Two. Salaries, Gap time and Overtime Pay

1.2. SALARIES AND SCHEDULE OF FEES.

(1)1.2.1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular fixed work hours. The Court, subject to funding and the approval by of the Morgan County Council, shall set the amount of annual salary shall be set by the Court paid to a Court Reporter.

(2)1.2.2. The Ceourt Reporter shall, if requested or ordered by the Judge of the Court, prepare any transcript during regular work hours. In the event that the preparation of a transcript cannot be completed during the regular fixed work hours, the Court Reporter shall be entitled to additional compensation beyond their regular annual salary as follows: (a) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and (b) Overtime hours shall be paid in the amount of one and one-half times the hourly rate of the annual salary. In the alternate, the Court Reporter may elect to take compensatory time off from regular fixed work hours in the amount equal to the number of gap hours worked, and in the amount of one and one-half times the number of overtime hours worked.

~~(3) In the event that preparing such a transcript cannot be completed during the regular fixed work hours, the Court Reporter shall be entitled to additional compensation beyond a regular salary as follows:~~

- ~~(a) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary and~~
- ~~(b) Overtime hours shall be paid in the amount of 1 ½ times the hourly rate of the annual salary.~~

~~Alternatively, the Court Reporter may elect to take compensatory time off from regular fixed work hours in the amount equal to the number of gap hours worked, and in the amount of 1 ½ times the number of overtime hours worked.~~

~~(4)1.2.3. The Ceourt Rreporter shall designate his or her his/her choice of the above options set forth in paragraph 1.2.2 at the end of each pay period for which gap hours or overtime hours are claimed. The Judge of the Court for which the court reporter works may supervising the Court Reporter may, in his or her discretion, order that compensatory time be paid in lieu of compensatory time off should such requirement be necessary, in the Court's discretion, to insure the proper operation of the Court., and as the Court's budget may permit.~~

~~(5)1.2.4. If a Ceourt Rreporter prepares a transcript on county time for which he or she is claiming their regular salary pay, then he or she the Court Reporter shall not claim any per-page costs for preparing the transcript. If he or she the Court Reporter is claiming a per-page cost for the transcript and if the Court Reporter is preparing the transcript on county time, then they the Court Reporter shall not make claim for the hourly amount paid by the county. the regular or overtime hourly pay from the Court for that period of time; Hhowever, he or she the Court Reporter may take any other use any other accrued compensatory time, to which they might be are entitled, for the county time spent in preparing the transcript.~~

~~(6) Each court reporter shall file a report, at least on an annual basis, of all transcript fees received for the preparation of either county indigent, state indigent or private transcripts. The reporting shall be made on forms prescribed by the Division of State Court Administration and submitted to them.~~

Section Three. Private Practice.

~~(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court reporter shall pay to the Treasurer of Morgan County for deposit in the General Fund of Morgan County, the following:~~

- ~~(A) 20% of the amount charged for the recording of a deposition should a transcript not be prepared.~~
- ~~(B) The following amounts if the court's facility or equipment is used:~~
 - ~~1. For the use of the court's computer/word processor including all software, discs, hardware and other peripherals~~

~~associated therewith including the printer — \$.10 per page of transcript.~~

- ~~2. For the use of the court's transcriber — \$.02 per page of transcript.~~
- ~~3. For the use of the court's office facilities including heat, light and air conditions — \$.03 per page of transcript.~~
- ~~4. For the use of the court's copy machine — \$.05 per page of transcript.~~
- ~~5. There shall be no charge for the use of the phone for local calls. Long distance charge attributable to the court reporter's private business shall be reimbursed by the court reporter to the county.~~

~~At the end of each county pay period the court reporter shall designate any amounts that he or she has received for the recording of a deposition when a transcript thereof was not required and the number of pages for which the court reporter has been paid for a deposition transcript. A check from the court reporter to the Treasurer of Morgan County shall be included with the page claim.~~

Section Four — Fees.

- ~~(1) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50, if a non appellate transcript and \$4.00 if appellate transcript. If the court reporter transcribes the record herself or himself, then the court reporter shall submit a claim directly to the county or state (as appropriate) for the amount claimed.~~
- ~~(2) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50, if non appellate transcript and \$4.00 if appellate transcript.~~
- ~~(3) A minimum transcript fee of \$35.00 may be charged for a transcript.~~
- ~~(4) Court reporters may charge an additional hourly labor charge for time spent binding the transcript and copying the exhibits and binding the exhibits. This labor charge shall be equivalent to the court reporter's hourly compensation rate as paid by the county.~~
- ~~(5) Court reporters may charge a supply charge pursuant to the schedule of transcript supplies established annually by the Judges of Morgan County.~~
- ~~(6) Court reporters may charge for Index and Table of Contents pages at the per page rate being charged for the rest of the transcript.~~

1.2.5. The maximum fees that a court reporter may charge for the preparation of a transcript shall be as stated in the following schedule of fees:

SCHEDULE OF FEES:

Appeal Transcript	\$ 4.50 per page
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<u>Non-Appeal Transcript</u>	<u>\$ 4.00 per page</u>
<u>Non-Appeal Expedited Transcript (0-14 days)</u>	<u>\$ 6.00 per page</u>
<u>Charge for Certification Page</u>	<u>\$ 10.00</u>
<u>Binding Transcript</u>	<u>Billed an hourly charge at 100% of court reporter's hourly wage then in effect.</u>
<u>Copy Fee for Transcript</u>	<u>\$ 1.50 per page</u>
<u>* Preparation of any tape/CD copies of any hearing/trial</u> <u>[* Note: a tape or CD copy of any hearing or trial is not the official or certified record of the proceeding, and cannot be designated or used as such]</u>	<u>Minimum labor charge of \$25.00 for the first hour of labor, then 100% of the Court Reporter's hourly pay rate, then in effect, for each hour of labor beyond the first hour, plus the actual cost of any supplies, tapes or CDs utilized.</u>

The court reporter shall submit a claim directly to the county for the preparation of any county or state indigent transcripts.

1.2.6 The Court Reporter shall ensure that each transcript is prepared in accordance with the Indiana Rules of Appellate Procedure, shall verify the accuracy of the transcript, make any necessary corrections, and shall certify the transcript.

1.2.7. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The report shall be made on forms prescribed by the Division of State Court Administration.

Section Five—Subcontracting the Preparation of a Transcript

- (1) ~~If the court reporter elects to have the initial draft of a transcript prepared by a subcontractor, then the subcontractor shall be entitled to one-half (1/2) of the per page fee charged by the court reporter. However, the court reporter and the subcontractor may agree to a different amount. The subcontractor shall submit a claim to the county for the amount to be paid to the subcontractor.~~
- (2) ~~The court reporter shall prepare the record of the proceedings consistent with Appellate Rule 7.2, verify the accuracy of the transcript, make any necessary corrections or have them made, and certify the record. The court reporter shall be entitled to one-half (1/2) of the per page cost for the preparation of the transcript. However, the court reporter and the subcontractor may agree to a different amount. The court reporter shall submit a claim to the county for the amount to be paid to the court reporter.~~

1.3. PRIVATE PRACTICE.

1.3.1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the Court Reporter desires

to utilize the court's equipment, work space and supplies, and the presiding Judge of the Court agrees to the use of the court equipments for such purpose, the Court and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following: (1) the reasonable market rate for the use of equipment, work space and supplies; (2) the method by which records are to be kept for the use of equipment, work space and supplies; and (3) the method by which the court reporter is to reimburse the Treasurer of Morgan County for the use of the court equipment, work space and supplies.

1.3.2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

1.4. SUBCONTRACTING THE PREPARATION OF A TRANSCRIPT

1.4.1. If the Court Reporter elects to have the initial draft of a transcript prepared by a subcontractor, then the subcontractor shall be entitled to one-half of the per-page fee charged by the Court Reporter, unless otherwise agreed by the Court Reporter and the subcontractor. If a subcontractor is utilized in the preparation of a county or state indigent transcript, the subcontractor and the Court Reporter must submit their respective claim for services to the presiding Judge of the Court, on a form approved by the State Board of Accounts.

1.4.2. The Court Reporter shall ensure that each transcript drafted by a subcontractor is prepared in accordance with the Indiana Rules of Appellate Procedure, shall verify the accuracy of the transcript, make any necessary corrections, and shall certify the transcript.